$\frac{-}{\sqsubseteq}$ de maximis, inc.

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November 15, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn ATTN: Lower Passaic River Remedial Project Manager Emergency and Remedial Response Division U.S. EPA, Region 2 290 Broadway, 19th Floor New York, New York 10007

Re: Monthly Progress Report No. 2 – October 2012 Lower Passaic River Study Area (LPRSA) River Mile 10.9 Removal Action CERCLA Docket No. 02-2012-2015

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the month of October, 2012.

Meetings/Conference Calls

- On October 2, CPG consultants held a conference call with EPA to discuss EPA's initial comments on the draft Basis of Design Report (BOD-R).
- On October 11, CPG held a conference call with EPA to discuss pore water investigation plans and elements of the proposed RM 10.9 cap design with EPA experts
- On October 24, CPG met with Neglia Engineering to request engineering, location and cost details on their proposal to the Township of Lyndhurst for installing backflow preventers on the Township's storm sewers.
- On October 25, CPG held a conference call with EPA to discuss anticipated 90% Design Report contents, fish window and rowing club potential impacts on the removal action schedule, EPA's response to the Township of Lyndhurst's concerns, and requests from EPA to consider testing multiple cap design elements at RM 10.9.

Correspondence

• On October 2, CPG received approval from EPA of its Removal Action Design Work Plan (RAWDP) pending submission of text modifications requested by EPA.

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- On October 10, CPG received copies of a letter addressed to EPA from attorneys representing the Township of Lyndhurst containing comments on the BOD-R and requesting specific actions to protect Township interests during the RM 10.9 Removal Action.
- On October 11, CPG submitted to EPA a final RADWP after incorporating all EPA comments.
- On October 12, CPG requested of NJDEP to begin discussions regarding the permitting process for the RM 10.9 Removal Action.
- On October 17, CPG received a copy of an NJDEP letter to EPA Region 2 concerning the permitting requirements potentially applicable to the RM 10.9 Removal Action activities.

Work

- During the October 2 teleconference, EPA and CPG agreed on November 16 as submittal date for the 90% Pre-design report.
- On October 5, CPG mailed Requests for Letters of Interest (LOI) to four (4) sediment stabilization contractors.
- On October 9, CPG began to explore alternatives to the University of Texas treatability study laboratory for the evaluation of mercury impacts on cap design to reduce turnaround between receipt of pore water isotherm data and developing the final cap design.
- CPG held multiple conversations with potential bidders for dredging, capping and stabilization activities to understand equipment constraints to create better bid packages.
- In October, LOIs were received from the following vendors:
 - o Jay Cashman: Interested, has permit to accept sediment pursuant to receipt of AUDs
 - o Clean Earth: Interested, has permits to accept sediment pursuant to receipt of AUDs
 - o Don jons: Interested, but do not possess necessary permits
 - o Weeks Marine: Interested, but do not possess necessary permits
- CPG held conversations with following disposal facilities:
 - o Heritage Environmental Services, Roachdale, Indiana
 - o Lone Mountain (Waynoka), Oklahoma Facility (Clean Harbors, Inc.)
 - o Wayne Disposal, Inc. (WDI), Belleville, Michigan (EQ Northeast, Inc.)
 - o Envirosafe, Oregon, Ohio
 - o Chemical Waste Management, Model City, New York
- AquaBlok representatives shared technical data with CPG on their active layer materials and their thin capping materials.

(b) Results of Sampling and Tests

 On October 15, bulk sediment sample analytical results for the sediments that were sent to the treatability study vendors (Addendum A samples), and Addendum C (geotechnical) data were uploaded to EPA's SharePoint site.



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- Available TCLP data (3 sample points) on RM 10.9 sediment cores were tabulated, and a review indicates the sediment is not a characteristic hazardous waste. The data are attached to this Progress Report.
- CPG compared actual RM 10.9 Removal Area sediment characteristics using data from 24 borings, to Tierra Phase I sediment characteristics. The average and maximum concentrations for key Chemicals of Potential Concern (COPCs) are presented below:

Comparison of Tierra Phase I	Conce	erage entration detected)	Ratio of Phase I COPC concentrations			
COPC	Units	RM 10.9	Tierra Phase I	to RM 10.9 COPC concentrations		
2,3,7,8-TCDD	ng/kg (ppt)	8,874	338,000	38		
Total PCB	mg/kg (ppm)	11.6	9.3	0.8		
4,4-DDT	mg/kg (ppm)	0.20	648	3,240		
2,4-DDT	mg/kg (ppm)	0.0025	159	63,600		
Chlorobenzene	mg/kg (ppm)	0.0008	2,449	3,061,250		

Comparison of RM 10.9 and Tierra Phase I Sediments		Conce	imum entration ected	Ratio of Phase I Maximum COPC concentrations		
COPC	units	RM 10.9	Tierra Phase I	to RM 10.9 Maximum COPC concentration		
2,3,7,8-TCDD	ng/kg (ppt)	35,600	9,410,000	264		
Total PCB	mg/kg (ppm)	35	87	2		
4,4-DDT	mg/kg (ppm)	17	21,990	1,294		
2,4-DDT	mg/kg (ppm)	0.024	5,200	216,667		
Chlorobenzene	mg/kg (ppm)	0.0017	72,000	42,352,941		

(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion

- Submit pre-final (90%) Design Report for EPA review.
- Respond to EPA Comments on 90% Design Report.
- Send Request for Bids to dredging and marine contractors, stabilization and/or sediment dewatering contractors, transportation and landfill operators.
- Evaluate requests from Township of Lyndhurst, and respond to those.
- Meet with NJDEP during week of November 26 to discuss and coordinate permit (or permit equivalent) submittals for all on water and upland activities

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- Arrange additional discussions or meetings on regulatory requirements with the Fish and Wildlife Service and /or NOAA, U.S. Army Corps of Engineers, and the NJ State Historic Preservation Office (SHPO, the State's archaeological resources steward).
- Draft and submit permit equivalents (e.g. air permits and Alternative Use Determinations or AUDs) from NJDEP associated with dredging and stabilization of RM 10.9 Removal Action sediments.
- Develop and implement QAPP Addenda for additional sampling of RM 10.9 sediments to

 (a) support the cap (and active layer) design process,
 (b) collect baseline porewater, and
 (c) obtain additional confirmation being requested by landfill facilities that the sediments do not have any hazardous waste characteristic.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays</u>

- Hurricane/Tropical Storm Sandy hit the area on October 29 and 30, knocking out power
 and telecommunications for many of the RM 10.9 stakeholders. This significantly
 affected the ability to meet the schedule previously agreed to for submittal of a 90%
 design report on November 16. EPA and CPG agreed that the delay constituted a Force
 Majeure event and it was further agreed that the new submission date is November 30.
 The revised submission date will not affect the construction starting in late spring 2013.
- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

de maximis, inc.

Stan Kaczmarek

RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel William Hyatt, CPG Coordinating Counsel Jay Nickerson, NJDEP
Roger McCready, CH2M Hill

Table 1. RM 10.9 Investigation Derived Waste Charactericterization Profile

Parameter Group	Analyte	Units	Range of T	wo (2) IDW tion Samples Max	Average Detected	RCRA Regulatory Value	RCRA Code	UTS Screening Value
Herbicides - TCLP	2,4,5-TP (Silvex)	ug/L	ND	ND	ND	1,000	D017	
	2,4-D	ug/L	ND	ND	ND	10,000	D016	
Metals - TCLP	Arsenic	mg/L	0.048 J	0.057 J	0.053 J	5	D004	5
	Barium	mg/L	0.48 JB	0.49 JB	0.49 JB	100	D005	21
	Cadmium	mg/L	0.054 J	0.073 J	0.064 J	1	D006	0.11
	Chromium	mg/L	0.010 J	0.010 J	0.010 J	5	D007	0.6
	Lead	mg/L	0.16 J	0.20 J	0.18 J	5	D008	0.75
	Mercury	mg/L	ND	ND	ND	0.2	D009	0.025
	Selenium	mg/L	ND	ND	ND	1	D010	5.7
	Silver	mg/L	ND	0.0024 J	0.0024 J	5	D011	0.14
Pesticides - TCLP	Chlordane	ug/L	ND	ND	ND	30	D020	
	Endrin	ug/L	ND	ND	ND	20	D012	
	gamma-BHC(Lindane)	ug/L	ND	ND	ND	400	D013	
	Heptachlor	ug/L	ND	ND	ND	8	D031	
	Heptachlorepoxide	ug/L	ND	ND	ND	8	D031	
	Methoxychlor	ug/L	ND	ND	ND	10,000	D014	
	Toxaphene	ug/L	ND	ND	ND	500	D015	
SVOCs - TCLP	2,4,5-Trichlorophenol	ug/L	ND	ND	ND	400,000	D041	
	2,4,6-Trichlorophenol	ug/L	ND	ND	ND	2,000	D042	
	2,4-Dinitrotoluene	ug/L	ND	ND	ND	130	D030	
	2-Methylphenol	ug/L	ND	ND	ND	200,000	D023	
	4-Methylphenol	ug/L	ND	ND	ND	200,000	D025	
	Hexachlorobenzene	ug/L	ND	ND	ND	130	D032	
	Hexachlorobutadiene	ug/L	ND	ND	ND	500	D033	
	Hexachloroethane	ug/L	ND	ND	ND	3,000	D034	
	Nitrobenzene	ug/L	ND	ND	ND	2,000	D036	
	Pentachlorophenol	ug/L	ND	ND	ND	100,000	D037	
	Pyridine	ug/L	ND	ND	ND	5,000	D038	
	Total Cresol	ug/L	NS	NS	NS	200,000	D026	

Table 1. RM 10.9 Investigation Derived Waste Characterizterization Profile

Parameter Group	Analyte	Units	Range of Two (2) IDW Characterization Samples Min Max		Average Detected	RCRA Regulatory Value	RCRA Code	UTS Screening Value
VOCs - TCLP	1,1-Dichloroethene	ug/L	ND	ND	ND	700	D029	
	1,2-Dichloroethane	ug/L	ND	ND	ND	500	D028	
	1,4-Dichlorobenzene	ug/L	ND	ND	ND	7,500	D027	
	2-Butanone	ug/L	ND	ND	ND	200,000	D035	
	Benzene	ug/L	ND	ND	ND	500	D018	
	Carbontetrachloride	ug/L	ND	ND	ND	500	D019	
	Chlorobenzene	ug/L	ND	ND	ND	100,000	D021	
	Chloroform	ug/L	ND	ND	ND	6,000	D022	
	Tetrachloroethene	ug/L	ND	ND	ND	700	D039	
	Trichloroethene	ug/L	ND	ND	ND	500	D040	
	Vinyl Chloride	ug/L	ND	ND	ND	200	D043	

Notes: IDW = Investigation Derived Waste

UTS = Universal Treatment Standard

Table 2. RM 10.9 Composite Samples Waste Characterizterization Profile

Parameter Group	Analyte	Units	RM 10.9 Composite Samples COMP-V01AS COMP-V02BS			Average Detected	RCRA Regulatory Value	RCRA Code	UTS Screening Value	
Herbicides - TCLP	2,4,5-TP (Silvex)	ug/L	5.0E-01	U	5.0E-01	U	ND	1,000	D017	
	2,4-D	ug/L	2.0	U	2.0	U	ND	10,000	D016	
Metals - TCLP	Arsenic	mg/L	0.083	J	0.096	J	0.090 J	5	D004	5
	Barium	mg/L	0.43	JB	0.42	JB	0.43 JB	100	D005	21
	Cadmium	mg/L	0.11		0.12		0.12	1	D006	0.11
	Chromium	mg/L	0.016	J	0.017	J	0.017 J	5	D007	0.6
	Lead	mg/L	0.20	J	0.19	J	0.20 J	5	D008	0.75
	Mercury	mg/L	0.0020	U	0.0020	U	ND	0.2	D009	0.025
	Selenium	mg/L	0.0048	J	0.0071	J	0.0060 J	1	D010	5.7
	Silver	mg/L	0.50	U	0.50	U	ND	5	D011	0.14
Pesticides - TCLP	Chlordane	ug/L	12	U	12	U	ND	30	D020	
	Endrin	ug/L	1.2	U	1.2	U	ND	20	D012	
	gamma-BHC(Lindane)	ug/L	1.2	U	1.2	U	ND	400	D013	
	Heptachlor	ug/L	1.2	U	1.2	U	ND	8	D031	
	Heptachlorepoxide	ug/L	1.2	U	1.2	U	ND	8	D031	
	Methoxychlor	ug/L	2.4	U	2.4	U	ND	10,000	D014	
	Toxaphene	ug/L	48	U	48	U	ND	500	D015	
SVOCs - TCLP	2,4,5-Trichlorophenol	ug/L	20.0	U	20.0	U	ND	400,000	D041	
	2,4,6-Trichlorophenol	ug/L	20.0	U	20.0	U	ND	2,000	D042	
	2,4-Dinitrotoluene	ug/L	20.0	U	20.0	U	ND	130	D030	
	2-Methylphenol	ug/L	1.3	J	4.0	U	1.3 J	200,000	D023	
	4-Methylphenol	ug/L	16	J	8.4	J	12.2 J	200,000	D025	
	Hexachlorobenzene	ug/L	20.0	U	20.0	U	ND	130	D032	
	Hexachlorobutadiene	ug/L	20.0	U	20.0	U	ND	500	D033	
	Hexachloroethane	ug/L	20.0	U	20.0	U	ND	3,000	D034	
	Nitrobenzene	ug/L	4.0	U	4.0	U	ND	2,000	D036	
	Pentachlorophenol	ug/L	40.0	U	40.0	U	ND	100,000	D037	
	Pyridine	ug/L	20.0	U	20.0	U	ND	5,000	D038	
	Total Cresol	ug/L						200,000	D026	

Table 2. RM 10.9 Composite Samples Waste Characterizterization Profile

Parameter Group	Analyte	Units	RM 10.9 Composite Samples COMP-V01AS COMP-V02BS				Average Detected	RCRA Regulatory Value		UTS Screening Value
VOCs - TCLP	1,1-Dichloroethene	ug/L	25.0	U	25.0	U	ND	700	D029	
	1,2-Dichloroethane	ug/L	25.0	U	25.0	U	ND	500	D028	
	1,4-Dichlorobenzene	ug/L	4.0	U	4.0	U	ND	7,500	D027	
	2-Butanone	ug/L	250	U	250	U	ND	200,000	D035	
	Benzene	ug/L	25	U	25	U	ND	500	D018	
	Carbontetrachloride	ug/L	25	U	25	U	ND	500	D019	
	Chlorobenzene	ug/L	25	U	25	U	ND	100,000	D021	
	Chloroform	ug/L	25	U	25	U	ND	6,000	D022	
	Tetrachloroethene	ug/L	25	U	25	U	ND	700	D039	
	Trichloroethene	ug/L	25	U	25	U	ND	500	D040	
	Vinyl Chloride	ug/L	25	U	25	U	ND	200	D043	

Notes: UTS = Universal Treatment Standard